IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.360 of 2006

Dated: March 28, 2006

Between:

The Private Nursing Schools Managements

Association, rep. by its Secretary, Mohd. Yousuf,

S/o. Mohd. Moulana, aged 33 years,

R/o. Hyderabad.

… Petitioner

And

The Government of Andhra Pradesh, rep.

by its Secretary, Health, Medical and

Family Welfare Department, Secretariat,

Hyderabad, and two others.

… Respondents

Order:

Petitioners seek Mandamus directing the respondents not to give any permission for new nursing colleges without completion of upgradation of existing schools and to set aside the notification dated 29-11-2005 published in a daily newspaper 'Hindu', inviting applications for establishment of new nursing colleges.

2. The case of the petitioners, who are running nursing schools established for imparting diploma course in nursing and midwifery, is that the respondents have also granted permission to various colleges of nursing for conducting B.Sc. Degree course in Nursing. It is their case that already there are number of existing nursing schools and basing on the recommendations of the Nursing Council of India, the Government has issued G.O.Ms.No.164 dated 23-05-2005, accepting the recommendations of the Nursing Council of India to take steps for upgradation of existing schools of nursing to that of nursing colleges by 2010. It is stated that in the said G.O. it was made that clear no new permission for establishment of nursing schools should be given from the academic year 2006-2007. The grievance of the petitioners is that though such a decision was taken by the Government in the said G.O., but, however, without considering the upgradation of the existing nursing schools, the respondents have issued notification dated 29-11-2005, inviting applications; they allege that the same is contrary to the aforesaid G.O.

3. Respondents filed counter affidavit stating that the Nursing Council of India has taken a policy decision in 1994 to upgrade nursing schools into nursing colleges and the said upgradation process was postponed from time to time and finally, a decision was taken to upgrade the schools by 2010.

4. As stated above, the Nursing Council of India has taken a decision to upgrade the existing nursing schools into colleges of nursing and the process is to be completed by 2010. The respondents, in their counter, have denied the allegation of the petitioner that when once upgradation process is on, no fresh applications for establishment of colleges of nursing should be called for. They have also made it clear that the process of upgradation as well as establishment of new colleges would go simultaneously. In that view of the matter, the notification dated

29-11-2005 issued by the respondents cannot be said to be illegal. In any event, the petitioner, an association of the nursing schools, cannot question the notification for establishment of new nursing colleges since the Nursing Council of India has itself fixed time up to 2010 to complete the process of upgradation of the existing nursing schools to that of colleges of nursing.

5. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 28, 2006

MRR